

KEVIN V. RYAN (CSBN 118321)  
United States Attorney

MARK KROTOSKI (CSBN 138549)  
Chief, Criminal Division

DEREK R. OWENS (CSBN 230237)  
Assistant United States Attorney

450 Golden Gate Avenue; Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-6488  
FAX: (415) 436-7234  
derek.owens@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 06-0785 MAG
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
v.	)	ORDER TO EXCLUDE TIME
RICHARD TABOR III,	)	SAN FRANCISCO VENUE
Defendant.	)	

On January 23, 2007, the parties in this case appeared before the Court for an Initial Appearance. At that time, the parties stipulated that the matter would be continued until January 24, 2008, and that time should be excluded from the Speedy Trial Act calculations from January 23, 2007 through January 24, 2008, for a period of pretrial diversion. See 18 U.S.C. § 3161(h)(2). The parties agree that pretrial diversion is an appropriate disposition of this case and that – taking into account the public interest in prompt disposition of criminal cases – good cause exists for this extension. Accordingly, the parties agree that the prosecution will be deferred for a twelve-month period of time for Mr. Tabor to demonstrate good conduct under the

//

conditions of a pretrial diversion program.

**IT IS SO STIPULATED.**

Respectfully submitted,

KEVIN V. RYAN  
United States Attorney

DATED: 01/29/07

/s/ Derek R. Owens

DEREK R. OWENS  
Special Assistant U.S. Attorney

DATED: 01/30/07

/s/ Josh Cohen

JOSH COHEN  
Attorney for Defendant Tabor

As the Court found on January 23, 2007, and for the reasons stated above, the Court finds that an exclusion of time between January 23, 2007 and January 24, 2008 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. IT IS HEREBY ORDERED that time is excluded under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(2) from January 23, 2007 through January 24, 2008, for deferral of prosecution by the United States for the purpose of allowing the defendant to demonstrate good conduct under the conditions of a pretrial diversion program.

**IT IS SO ORDERED.**

DATED: February 1, 2007

